

**Rocky Flats Citizens Advisory Board
Recommendation 95-13**

**to the Department of Energy, the Colorado Department of Public Health and
Environment and the Environmental Protection Agency**

**Use of the Site-Wide Environmental Strategy Agreement
as a Basis for Negotiation
during the October 10 and 11 Work-Out Session
for the Rocky Flats Cleanup Agreement**

Approved October 5, 1995

Background

The Rocky Flats Citizens Advisory Board is aware that Kaiser-Hill, the Integrating Management Contractor for the Department of Energy at Rocky Flats has prepared a draft document, the Site-Wide Environmental Strategy Agreement (SWESA), for consideration during the negotiation of a new Rocky Flats Cleanup Agreement. In its review of this draft, CAB finds intriguing many of the concepts, especially those that offer a means of "getting on with the work" and cleaning up Rocky Flats in an expeditious manner. There are many concepts and provisions of the plan, however, which CAB views with pessimistic caution. Among these are the following: (page references are for the September 5, 1995 version of the Site-Wide Environmental Strategy Agreement)

- Page 3: In the section under "physical configuration of the Site," reference is made to standards that will be acceptable for the Site, namely an ecological standard for the buffer zone and an industrial standard for the Industrial Area. There has not been public input as to the acceptance of these standards at this time. Their inclusion in any agreement would be premature. The same section also refers to the "unrestricted use of the buffer zone." In accordance with the Future Site Uses Working Group recommendations and affirmed by CAB, any use of the buffer zone other than a buffer to provide protection to the public is not acceptable as long as potential contaminants remain at Rocky Flats.
- Page 5: Kaiser-Hill as a signatory to the Agreement: CAB does not support Kaiser-Hill as a signatory.
- In several sections of the SWESA, mention is made to diminish the regulatory role of the Environmental Protection Agency. Without further study of this issue, CAB is not prepared to

provide any endorsement of a plan that would diminish regulatory oversight at Rocky Flats. History shows that the lack of regulatory oversight at Rocky Flats resulted in many of the problems that currently exist. Therefore given this history, the concept of eliminating a source of oversight is problematic.

- Page 7: Mention is made that "the parties agree that the processes and documents described in this Agreement are the substantial equivalents of the NEPA process." Historically, NEPA has been a valuable tool for public involvement. If SWESA construes that NEPA would be eliminated, CAB would need greater assurance that NEPA values would not be in any manner diminished by the "SWESA equivalents."
- Page 8: The most disturbing element of SWESA is the statement that deletions of sections of the current regulations such as RCRA, the Federal Facilities Compliance Act and others, that the new Agreement supersedes, would occur after a 180 day review. CAB neither understands the intent nor purpose of this statement and needs more clarification. Without such clarification CAB would not endorse this concept.
- Page 11: Environmental Monitoring: The current system of monitoring at Rocky Flats involves a system of checks and balances by independent testing and validation by multiple agencies. SWESA calls for the elimination of "unnecessary duplication and redundancy." Much of this duplication, however, provides greater credibility to the monitoring program and should be maintained.
- Page 14: A statement is made that in any given year no more than 12 milestones would be set. Inclusion of such a limit is arbitrary. Milestones should be set based on need, not on contractor convenience.

There are other points that CAB could bring out in the document, but will let these stand as an illustration of its concern with the SWESA approach. As stated previously, CAB does not endorse the contractor as a signatory to RFCA. Therefore, CAB views with skepticism a framework for RFCA prepared by the contractor. CAB's major concern is that SWESA will be used during the DOE/regulator work-out session on October 10 and 11 as a major framework in arriving at a new cleanup agreement for the site. Use of SWESA for this purpose, without adequate public review and comment, would not be in the best interest of any parties involved.

Recommendation:

The Rocky Flats Citizens Advisory Board recommends that the Department of Energy, the Colorado Department of Public Health and Environment, and the Environmental Protection Agency delay consideration of the Site-Wide Environmental Strategy Agreement until CAB and other public stakeholders have had an opportunity to fully review and understand the proposals contained therein. As such, SWESA should not form the basis for negotiation, nor should it be used as a resource during the

DOE/regulator work-out session to be held October 10 and 11.

The Rocky Flats Citizens Advisory Board is a community advisory group that reviews and provides recommendations on cleanup plans for Rocky Flats, a former nuclear weapons plant outside of Denver, Colorado.

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